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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,935	10/03/2005	David Noel Oliver	506-128	4986
27106	7590	07/30/2007		
MELVIN I. STOLTZ, ESQ. 51 CHERRY STREET MILFORD, CT 06460			EXAMINER BLEVINS, JERRY M	
			ART UNIT 2883	PAPER NUMBER
			MAIL DATE 07/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/525,935

Applicant(s)

OLIVER, DAVID NOEL

Examiner

Jerry Martin Blevins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Objections***

Claims 1-11 are objected to because of the following informalities:

Claims 1 and 3 are objected to due to the lack of antecedent basis for the phrases "the first and second surfaces" and "the sheet". For examination purposes, examiner interprets these claims to read as "first and second surfaces" and "a sheet".

Claim 7 is objected to due to the lack of antecedent basis for the phrase "the first and second surfaces". For examination purposes, examiner interprets claim 7 to read as "first and second surfaces".

Claims 9 and 10 are objected to due to the lack of antecedent basis for the phrase "the markings". For examination purposes, examiner interprets these claims to read as "markings".

Claim 11 is objected to due to the lack of antecedent basis for the phrase (twice appearing) "the hexagons". For examination purposes, examiner interprets "the hexagons" to refer to any polygonal array formed in the matrix in the form of a honeycomb.

Claims 2, 4, 5, and 6 are objected to due to their dependence from claim 1.

Claim 8 is objected to due to its dependence from claim 3.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3, and 7 are rejected due to the inclusion of the phrase "of the kind specified". It is unclear to the examiner whether or not the inclusion of this phrase is intended to impart additional claim limitations from those articulated in the remainder of the body of the claim. For examination purposes, examiner gives no patentable weight to the phrase "of the kind specified".

Claim 6 is rejected for the inclusion of the phrase "i.e.". It is unclear to the examiner whether the intersection must form a plurality of hexagons, a honeycomb

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pattern, or both. For examination purposes, examiner interprets that either a plurality of hexagons or a honeycomb pattern read on the claim.

Claims 2, 4, 5, 9, and 10 are rejected due to their dependence from claim 1.

Claim 8 is rejected due to its dependence from claim 3.

Claim 11 is rejected due to its dependence from claim 7.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 is rejected under 35 U.S.C. 102(b) as being anticipated by US 5,565,892 to Feustle.

Regarding claims 1 and 3, Feustle teaches a display device and method for making a display device (Figures 2 and 3D) in which a matrix of markings (8) is applied to at least one of first and second surfaces which comprises a series of lines (8) extended between opposed edges of a sheet (Figures 2 and 3D). While Feustle does not specifically articulate that spacings between the lines and/or thicknesses of the lines are chosen to obtain a desired intensity of illumination at selected areas of the sheet, examiner contends that this is an intrinsic property of the display of Feustle. The closer the lines are placed and/or the thicker the lines are made the more light will be reflected as there will be less free space for light to propagate and more material to reflect the

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light. More reflected light will make the display at those areas of thicker lines and/or denser spaced lines appear brighter and thus with increased intensity. On the other hand, reduced thicknesses and/or greater spacings will alternately reduce intensity on the same grounds.

Regarding claims 2 and 4, Feustle teaches a matrix of markings (8) applied to each of first and second surfaces so as to cover at least a major proportion of each surface (Figures 2 and 3D).

Regarding claim 5, Feustle teaches that the sheet of light-transmitting material is generally rectangular form and there is a first series of lines extending between two of the opposed edges of the sheet and a second series of lines extending between the other two opposed edges of the sheet (Figures 2 and 3D).

Regarding claim 6, Feustle teaches that the two series of lines intersect such that the matrix is in the form of a honeycomb pattern (column 2, lines 21-34 and column 3, lines 36-50).

Regarding claim 7, Feustle teaches a display device (Figures 2 and 3D) which includes a matrix (8) applied to at least one of first and second surfaces and in which the matrix is of a honeycomb form (column 2, lines 21-34 and column 3, lines 36-50).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feustle in view of US 6,937,399 to Takahashi et al.

Regarding claim 8, Feustle teaches the limitations of the base claim 3. Feustle does not teach that the light-transmitting sheet is of an acrylic material. Takahashi teaches a display device formed of a matrix in which a light-transmitting sheet is of an acrylic member (column 2, lines 11-62 and column 6, lines 3-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the sheet of Feustle of acrylic material, as taught by Takahashi. The motivation would be to increase the transparency, and therefore the light transmission, of the sheet.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feustle in view of US 2002/0003928 to Bischel et al.

Regarding claims 9 and 10, Feustle teaches the limitations of the base claim 1. Feustle also teaches markings (8). Feustle does not teach that the markings are applied by inkjet printing or by stencil, transfer, laser printing or engraving. Bischel teaches a display device formed of a matrix where markings are applied by inkjet printing or stencil, transfer, laser printing, or engraving (paragraphs 2, 26, 49, 51, 67, 68, 70, 71, 85, 86, and 89). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the markings of Feustle by inkjet printing, as taught by Bischel. The motivation would have been to improve the precision of location of the application of the markings.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feustle.

Regarding claim 11, Feustle teaches the limitations of the base claim 7. Feustle does not specifically teach that a computer-controlled system is used for choosing the thicknesses of the lines and/or the sizes of the honeycomb. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a computer-controlled system to choose the thicknesses and/or sizes of the honeycomb, since it has been held that broadly providing an automated means for replacing a manual activity which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 192. The motivation would have been to more easily and quickly control the intensity of the display.

### ***Conclusion***

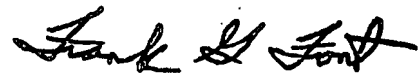
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Martin Blevins whose telephone number is 571-272-8581. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMB



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